

AMENDMENTS TO THE DRAWINGS:

The attached drawing sheet includes changes to FIGURE 2.

Attachments: One Replacement Sheet: FIGURE 2

REMARKS

In response to the above Office Action, enclosed is a Replacement Sheet of FIGURE 2 showing a pneumatic cylinder 130 that is connected between the trapdoor and the housing for biasing the trapdoor toward the first position. The numeral "107" has also been removed, since it is the front edge of the trapdoor 101 and not the edge of the opening in the top surface of the housing.

The title has been amended to reflect the invention to which the claims are now directed.

In addition, the specification has been amended to include the numeral "130" for the pneumatic cylinder, for clarity and for grammar.

Claim 1 has been amended for clarity and to include the subject matter of claim 7, which has been cancelled together with claim 8.

In the office Action, the Examiner rejected claims 1, 3/1, 5/1, 6/1 and 9/1 under 35 U.S.C. §102(b) for being anticipated by U.S. Patent No. 5,137,212 to Fiterman et al. Claims 1-4 and 6 were also rejected for being anticipated by JP 05124708 (Kajimura); claims 1, 5/1 and 8/1 for being anticipated by U.S. Patent No. 4,890,733 to Anderson; and claims 1-4 for being anticipated by U.S. Patent No. 2,096,630 to Fiedler. Now that claim 1 includes the subject matter of claim 7, it is believed all of these rejections are moot.

The Examiner also rejected claim 7 under 35 U.S.C. §103(a) for being obvious over Kajimura. In the Examiner's opinion, it would have been obvious to substitute a pneumatic cylinder for biasing the trapdoor of the housing closed, the Examiner believing that "springs" and pneumatic cylinders are equivalent.

First of all, it is not seen where Kajimura shows the use of springs to bias the door closed. Secondly, even if it did, springs or gravity operated doors do not inherently include a clamping action as does a pneumatic cylinder which would dampen or smooth the movement and operation of the trapdoor. This also assists in making the movement of the door more quiet in a restaurant setting.

While the Examiner did not include any of the other cited references in the rejection of claim 7, now a part of claim 1, it is not seen where any of them show a pneumatic cylinder either.

Since M.P.E.P. §2143.02 requires that all of the claimed elements must have been known in the art to support a conclusion of obviousness and Kajimura does not show all of the claimed elements or their equivalents, it is submitted that the invention of amended claim 1 cannot be considered obvious over this reference.

With respect to claim 9 and the rejections of it set forth in paragraphs 9 and 10 of the Office Action, while Chen may show a waste container for use in a refuse bin, since claim 9 depends from claim 1, it is believed it is not obvious over the cited references for the same reasons expressed above with respect to claim 1.

It is believed claims 1-6 and 9 are now in condition for allowance.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

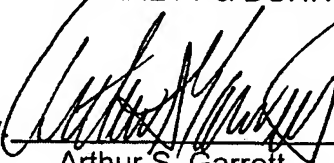
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 18, 2008

By

A handwritten signature in black ink, appearing to read "Arthur S. Garrett", is written over a horizontal line.

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